IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

Bail Appl..No. 7351 of 2007()

CRIME NO. 651 OF 2007 OF FORT POLICE STATION, TRIVANDRUM

PETITIONER/ACCUSED

ZAKEER.P.V., S/O.PAREED,
AGED 30 YEARS, VARICKAMANNIL VEEDU,
THODUPUZHA.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: STATE

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM (CRIME NO.651 OF 2007 OF FORT POLICE
STATION, THIRUVANANTHAPURAM).

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 7351 of 2007

- -

Dated this the 12th day of December, 2007

O R D E R

Application for anticipatory bail. Apprehending arrest in Crime No. 651 of 2007 of Fort Police Station, the petitioner has come before this Court with this application. That crime is registered alleging offence spunishable under Section 489 B & C I.P.C. The petitioner is not shown as an accused, but his brother-in-law, one Shajahan, is shown as an accused. Investigation is in progress. The petitioner has not been arrayed as an accused so far. Because of his connection with his brother-in-law, the petitioner apprehends that false allegations may be raised against him and he may be arrested as an accused in that crime. According to him, he is innocent. He has hence come to this Court with this application for anticipatory bail.

2. The learned Prosecutor submitted that the petitioner has not been arrayed as an accused. But the needle of suspicion is

pointing at the petitioner. As requested by the learned Prosecutor, interim directions were issued to the petitioner to make himself available for interrogation before the Investigating Officer. He did comply with the said directions. He has been interrogated also, submits the Prosecutor. The petitioner has not been arrayed as an accused. The materials collected do not persuade the Investigating Officer to array the petitioner as an accused. Consequently the petitioner is not required to be and shall not be arrested in this crime at the moment. However, learned Prosecutor submits that there are some circumstances still against the petitioner and the possibility of his being arrayed later, if his subsequent interrogation points to such necessity, cannot be ruled out. However, the learned Prosecutor undertakes that if at any later stage the petitioner's arraignment and arrest is required in this case, prior notice shall be given to the petitioner and prior permission of this Court shall be taken before such arrest is effected.

3. I take note of and record the submissions of the learned Prosecutor. The apprehension of imminent arrest does not, in these

circumstances, appear to be reasonable. I am satisfied that this petition can be dismissed accepting the submissions and undertaking of the learned Prosecutor.

4. This application is accordingly dismissed.

(R. BASANT)
Judge

tm